

**PUBLIC HEARING
PROPOSED EXTENSION TO VAILS GATE FIRE DISTRICT
WEDNESDAY, AUGUST 5, 2009; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK**

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Highway Superintendent Fayó, Town Attorney Blythe, Police Chief Biasotti

ABSENT OFFICIALS: Councilwoman Weyant

SALUTE TO FLAG

Supervisor Green called to order a Public Hearing on the extension of the Vails Gate Fire District.

The Town Clerk presented proof of publication as required by law.

Supervisor Green said that last year the Vails Gate Fire Department asked about incorporating the Rural Fire Protection District which encompasses the western end of the town into the Vails Gate Fire District. The Supervisor said he would support it providing that the entire balance of the Town was included in the expanded district. They went back to their Board of Commissioners and after discussion, they agreed to including all parts of the town. Since then there have been reports and meetings leading up to this public hearing. Supervisor Green then asked if anyone had any comments or questions regarding the extension.

Tim Besser, a fire commissioner from the Coldenham Fire District spoke opposing the moving of the entire rural fire protection district into the Vails Gate Fire District. He said he only heard about the planned annexation from an article in the newspaper which is why they haven't commented on it before this. He feels that areas should be moved to within the respective fire districts which actually provide their fire protection coverage to them. He said currently residents of the new district could vote in Vails Gate District elections, but not in the fire districts which actually protect them. He said a resident could not run for a commissioner's seat in any district but the Vails Gate District. He has heard concerns about uneven taxing of people who live within the fire districts and those who live within the fire protection areas. The changes would become similar to the way school taxes are charged because the state equalization rate would come into play, he said right now all town residents share in the \$2500 annual fee. He also said that most of the land they cover is undeveloped land but sometime in the future the land could be privately developed, improving the tax base for the district. He said they would be happy to incorporate the area they cover into their fire district. He understands that the Town Board might not want to deal with fire protection business any longer, but problems would simply be transferred to the Vails Gate Fire Commissioners, so it is not really a solution, just changing who deals with it. He suggested placing the parcels into the fire districts that are already providing their protection.

Supervisor Green said that now at least residents will be allowed to vote on fire commissioners, currently they have no vote. New York State is recommending that many special districts, including fire districts, should think about consolidating and the Supervisor feels it is in the best interest of the town to do so. Right now the town has three districts, and if each district goes with the fire department which provides their fire protection, the town would then have at least eight different fire districts, which he is opposed to. Regarding the undeveloped land, he said that only thirty acres are able to be developed and since Port Authority has their eye on those acres, any development would be aviation related and there will be no monetary benefit to Coldenham since there are no tax dollars or even PILOT payments involved. Supervisor Green said he appreciated Mr. Besser's comments.

Mr. Besser said that in the future the land could be privately developed by someone and he feels that residents should be able to vote for their own commissioners.

Supervisor Green said he meets with Port Authority every two weeks and he doesn't believe their plans will be changing in the future and those plans do not include private development of those two parcels.

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Mr. Besser also feels that residents should be able to vote for their own commissioners within the district that is actually providing their fire protection.

Supervisor Green said that should any fire company decide not to sign a contract with the town to provide fire protection, and they are under no obligation to sign, there would be no protection for those residents in those districts. If Vails Gate Fire Department took over, it becomes their responsibility to see that all areas within their district are protected. This expansion is also partly a financial decision, the Town will know what their rate is going to be. He said Coldenham has always treated the town honorably which is more than some of the other companies have done.

Patrick McMeel of the Maybrook Fire Department agreed with the previous speaker and also wanted to know who will be providing EMS coverage for those areas. Supervisor Green said that all 911 calls go to New Windsor Volunteer Ambulance and fire district boundaries have no effect on that.

Chris Van Riper of the Washingtonville Fire Department asked how can you tell residents that Vails Gate can actually cover that entire area. Supervisor Green said that nothing is changing, Vails Gate is still going to negotiate for coverage with each company. The only change is that now instead of dealing with the Town Board, the various fire districts will deal with the Vails Gate Fire Department. We have no illusions that Vails Gate can cover that entire area short of building a station out there.

Hearing no one wishing to speak, the Supervisor entertained a motion to close the Public Hearing.

MOTION - CLOSE PUBLIC HEARING

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the proposed extension of the Vails Gate Fire District to include the Town of New Windsor Rural Fire Protection District pursuant to Section 170 of New York State Town Law.

Roll Call: All Ayes

Motion Carried: 4-0

MOTION - ADOPT RESOLUTION APPROVING ANNEXATION OF NEW WINDSOR RURAL FIRE PROTECTION DISTRICT TO VAILS GATE FIRE DISTRICT

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, there presently exists in the Town of New Windsor a Fire Protection District known as the New Windsor Rural Fire Protection District embracing the territory in the Town wholly outside of any city or village more fully described in the resolution establishing such District duly adopted on December 17, 1953; and

WHEREAS, it is necessary to enter into contracts for furnishing fire protection to the Fire Protection District; and

WHEREAS, the Town of New Windsor on behalf of the New Windsor Rural Fire Protection District currently contracts with Vails Gate Fire District to provide fire protection services to a portion of the lands within the New Windsor Rural Fire Protection District; and

WHEREAS, the Vails Gate Fire District Commissioners, by Resolution dated July 7, 2008, resolved to support the annexation of the New Windsor Rural Fire Protection District to the Vails Gate Fire District; and

WHEREAS, the Town Board held a duly noticed public hearing on August 5, 2009 at which time the Board heard comments from the public.

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NOW, THEREFORE, BE IT RESOLVED THAT:

- I. This is a Type I action under SEQR.
- II. The Town Board finds that the mere annexation of the lands within the New Windsor Rural Fire Protection District to the Vails Gate Fire District will not have a significant impact on the environment and thus, adopts a Negative Declaration for the purpose of compliance with the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town Board finds that all properties and property owners currently in the New Windsor Rural Fire Protection District will benefit by annexation to the Vails Gate Fire District; and

BE IT FURTHER RESOLVED that the Town Board finds that properties and property owners within the current Vails Gate Fire District will also benefit by said annexation; and

BE IT FURTHER RESOLVED that the Town Board finds that all property and property owners benefitted by the annexation are included in the proposed annexation; and

BE IT FURTHER RESOLVED that the Town Board determines that it is in the overall public interest to annex the New Windsor Rural Fire Protection District to the Vails Gate Fire District finding, among other things:

1. That the Vails Gate Fire Department has an active roster of dedicated local volunteer firefighters with significant experience fighting residential, commercial and specialized commercial fires; and
2. That the Vails Gate Fire Commissioners are eminently qualified to represent the safety interests of the residents of the Rural Fire Protection District and the economic interests of New Windsor taxpayers during negotiations with fire companies under contract to provide fire protection to portions of the Rural Fire Protection District; and
3. That the Vails Gate Fire District has an excellent 20-year working relationship with the New Windsor Police, Ambulance, Department of Public Works and the New Windsor governing body that will benefit the expanded district by providing integrated inter-agency command and communication; and
4. That property owners in the Rural Fire Protection District will, after annexation, be able to participate in the governance of the entire district; and
5. That tax rates in the expanded district will be fair and reasonable.

BE IT FURTHER RESOLVED, that the Town Board hereby resolves to annex the lands within the New Windsor Rural Fire Protection District as shown on the map dated January, 2009 attached hereto and made part of the Vails Gate Fire District.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK